

TITLE 3. FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning October 31, 2008 and ending at 5:00 p.m. on December 15, 2008**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407, 20171 and 21111, Food and Agricultural Code, and to implement, interpret or make specific sections 20017, 20021 and 21111, of said Code, the Department is considering amending section 850 of Article 1, Chapter 3, Division 2, of Title 3 of the California Code of Regulations, as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, section 21051 of the Food and Agricultural Code requires inspection of all cattle sold, transferred, moved out of state, moved out of a modified point-of-inspection area, moved into a registered feedlot, public auction yard or sales yard, public or private sales market, out of a full point-of-origin inspection area, or from areas designated as quarantine, restricted, or isolated areas, with limited exceptions.

Sections 20017, 20021, 21111 and 21112 of the Food and Agricultural Code specify the requirements and procedures for the modified point-of-origin inspection areas for the movement of cattle.

To implement the above sections of law, the Department has in place regulations under Articles 1-4 of Chapter 3, Division 2, of Title 3 of the California Code of Regulations.

This proposal pertains to section 850 of Article 1, Chapter 3, Division 2, of Title 3 of the California Code of Regulations, to amend the modified point-of-origin inspection area for Modoc County and parts of Lassen County, as specified.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that this proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Private Persons or Entities: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-116, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CONTACT PERSONS

Written comments and inquiries concerning the proposed regulations are to be addressed to the following:

Name:	Greg Lawley, Chief
Address:	Department of Food and Agriculture Bureau of Livestock Identification 1220 N Street, Room A-130 Sacramento, CA 95814
Telephone No.:	(916) 654-0889
Fax No.:	(916) 653-5190
E-mail address:	GLawley@cdfa.ca.gov

The backup contact person is as follows:

Name:	Nancy Grillo, Associate Analyst
Address:	Department of Food and Agriculture 1220 N Street, Room A-116 Sacramento, CA 95814
Telephone No.:	(916) 651-7280
Fax No.:	(916) 653-4249
E-mail address:	NGrillo@cdfa.ca.gov

Website Access:

Materials regarding this proposal can be found at:

www.cdfa.ca.gov/ahfss/regulations.html